

**ENTERED**

April 03, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

JOSEPH D. GILBERTI,

Plaintiff,

v.

ELON MUSK, *et al.*,

Defendants.

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Civil Action No. 7:24-CV-00378

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the March 12, 2025, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Nadia S. Medrano. (Dkt. No. 8). Judge Medrano made findings and conclusions and recommended that this action be dismissed for failure to prosecute under Federal Rule of Civil Procedure 4(b). (*Id.* at 1–3).

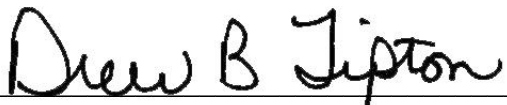
The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Judge Medrano’s M&R, (Dkt. No. 8), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) This action, (Dkt. No. 1), is **DISMISSED with prejudice**.

It is SO ORDERED.

Signed on April 2, 2025.

  
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DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE